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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION  
13

14 MARY JANE JASIN and THOMAS JASIN, )

15 Plaintiffs, )

16 vs. )

17 VIVUS, INC., LELAND F. WILSON, )  
18 TIMOTHY MORRIS, and PETER Y. TAM )

19 Defendants. )  
20

Case No.: 5:14-CV-03263 BLF

**STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING RESPONSE TO  
SECOND AMENDED COMPLAINT**

1 **STIPULATION**

2 **WHEREAS:**

3 1. On June 18, 2015, this Court issued an order granting defendants’ motion to dismiss  
4 plaintiffs’ first amended complaint and granting plaintiffs leave to file a second amended complaint  
5 by August 14, 2015. (Docket No. 30)

6 2. Plaintiffs accordingly filed their second amended complaint on August 14, 2015.  
7 (Docket No. 32)

8 3. Defendants expect that they will respond to the second amended complaint by again  
9 moving to dismiss.

10 4. The briefing on defendants’ motion to dismiss may be complex. The parties wish to  
11 ensure that they have sufficient time to brief the issues in a way that will provide optimal assistance  
12 to the Court.

13  
14 **THE PARTIES THEREFORE STIPULATE AS FOLLOWS:**

15 1. Defendants’ response to the second amended complaint should be filed on or before  
16 October 2, 2015.

17 2. In the event that defendants’ response is a motion to dismiss, plaintiffs’ opposition to  
18 that motion should be filed on or before November 20, 2015, and defendants’ reply in support of the  
19 motion should be filed on or before December 15, 2015.

1           3.       A hearing on defendants' motion to dismiss the second amended complaint should be  
2 scheduled at the Court's direction, and on a date of the Court's choosing after January 1, 2016.  
3

4 Dated: August 24, 2015

By: s/ Norman J. Blears

5                   Norman J. Blears  
6                   SIDLEY AUSTIN LLP

7                   *Counsel for Defendants*

8  
9 Dated: August 24, 2015

By: s/ Rosemary M. Rivas

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1 **[PROPOSED] ORDER**

2 Pursuant to the parties' stipulation above, the Court orders as follows:

- 3 1. Defendants' response to plaintiffs' second amended complaint is due October 2,  
4 2015.
- 5 2. In the event defendants respond to the second amended complaint moving to dismiss,  
6 plaintiffs' opposition to that motion is due November 20, 2015 and defendants' reply is due  
7 December 15, 2015.
- 8 3. **Defendants shall reserve a hearing date on any motion to dismiss pursuant to the**  
9 **procedures set forth in the Court's standing order.**

10  
11 **IT IS SO ORDERED.**

12  
13 Dated: August 25, 2015

  
HON. BETH LABSON FREEMAN  
United States District Judge